United Nations A/60/PV.30

General Assembly
Sixtieth session

*Official Records*

30th plenary meeting
Monday, 10 October 2005, 3 p.m.
New York

*President:* Mr. Eliasson ..... (Sweden)

*The meeting was called to order at 3.15 p.m.*

**Agenda items 76 and 77**

**Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

**Note by the Secretary-General transmitting the tenth annual report of the International Criminal Tribunal (A/60/229)**

**Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

**Note by the Secretary-General transmitting the twelfth annual report of the International Tribunal (A/60/267)**

**The President**: May I take it that the Assembly takes note of the tenth annual report of the International Criminal Tribunal for Rwanda?

*It was so decided.*

**The President**: May I take it that the Assembly takes note of the twelfth annual report of the International Tribunal for the Former Yugoslavia?

*It was so decided.*

**The President**: I now call on Mr. Erik Møse, President of the International Criminal Tribunal for Rwanda.

**Mr. Møse**: It is a great honour to address the members of the General Assembly in order to present the tenth annual report of the International Criminal Tribunal for Rwanda (ICTR).

The work of the ICTR is progressing well. During the period under review, the Trial Chambers have rendered three further trial judgements. This brings the total number of persons convicted or acquitted by the ICTR since its first trials started in 1997 to 25 persons. Another judgement is expected soon.

During the reporting period, the ICTR commenced five new trials involving seven accused. Additionally, I am pleased to inform the Assembly that a further two new trials have started since the annual report was submitted. Therefore, 10 trials are now in progress which involve 26 additional accused. To date, judgement has therefore been rendered, or trials are ongoing, in respect of a total of 52 alleged leaders during the events of 1994.

The ICTR Appeals Chamber also has a very heavy workload. During the reporting period, it

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

05-54202 (E)

delivered four appeal judgements in respect of five persons.

Let me briefly recall the three Trial Chamber judgements rendered during the period under review.

On 15 July 2004, Emmanuel Ndindabahizi, a former Minister of Finance, was convicted of genocide and crimes against humanity and sentenced to imprisonment for the remainder of his life. That trial lasted for only 29 trial days, and judgement was rendered 10 and a half months after its start.

Mikaeli Muhimana, a *conseiller*, was also convicted of genocide and crimes against humanity and sentenced to life imprisonment on 28 April 2005 after 34 trial days.

Finally, Vincent Rutaganira, also a *conseiller*, was sentenced to six years' imprisonment on 14 March 2005 for extermination as a crime against humanity. He was the fourth to plead guilty at the ICTR.

I will now comment on our trials in progress. As members of the Assembly are aware, our five multi-accused trials represent our main challenge because of their volume, complexity and the time needed to complete them. It is therefore important to note that three of them are at an advanced stage. There has been considerable progress during the presentation of the defence cases in the *Butare* trial and the *Military I* case. In the Government trial, involving four Government ministers, the prosecution closed its case in June 2005. The defence case is due to commence on 1 November 2005. The progress made in these three multi-accused trials represents significant steps in the implementation of the ICTR Completion Strategy.

In the other two multi-accused trials, the prosecution is presenting its evidence. In the *Military II* case, I am now pleased to report that over half of the prosecution witnesses have been heard. Another welcome development is that the problems in the *Karemera et al.* case have been resolved. You will recall that the Appeals Chamber decided that this trial, which originally included four accused, should start *de novo*. The trial of one of them, Mr. Rwamakuba, recommenced on 9 June 2005, and the prosecution closed its case in early September. The defence case will start in a few weeks. The trial of the other three accused recommenced in September of this year.

There have also been developments in the single-accused cases. As mentioned in our annual report, the prosecution closed its case in *Seromba* in January 2005, following the testimony of 15 witnesses in the course of 25 trial days. Change of defence counsel has delayed the commencement of the defence case, which will start by the end of October of this year. In the trial of *Muvunyi*, the defence case starts in November 2005.

As mentioned, we began two new single-accused cases after the submission of the annual report. The *Mpambara* trial started on 19 September. The prosecution has already closed its case in under two weeks, pending cross-examination of one prosecution witness. The Chamber heard 10 prosecution witnesses, making it the shortest prosecution case in the history of the Tribunal. The defence case will began in January 2006. And last Monday, 3 October 2005, the *Zigiranyirazo* trial started.

These developments confirm the Tribunal's capacity to complete single-accused cases within a limited number of trial days. It also illustrates the high level of judicial activity in Arusha. This week, between 14 and 18 accused are being transported to and from the courtroom, depending on the daily schedule. All courtrooms are being used to maximum capacity by the 18 trial judges. Sixteen indictees are awaiting trial in our detention centre; their cases will commence as soon as trial capacity allows.

In order to ensure maximum judicial output, there is a need to strike the right balance between the multi-accused and single-accused trials. Limited courtroom space makes this task difficult and requires careful long-term planning. Single-accused trials are normally slotted in when there are breaks in the voluminous trials — so-called "twin-tracking" — or else they are heard in morning and afternoon shifts simultaneously with other trials.

The ICTR's fourth courtroom must be seen in this perspective. It was constructed within a month and was in use on 1 March 2005, the day of its inauguration. This additional courtroom, financed through voluntary contributions, has facilitated the steady progress of our cases and is an important element of our Completion Strategy.

In our Completion Strategy, we have estimated that, on the basis of the information presently available, the Tribunal will have completed cases involving 65 to 70 persons by 2008. On the basis of those projections, I am pleased to confirm that the

ICTR is on track to complete our trials by the deadline set by the Security Council in resolution 1503 (2003).

The Prosecutor continues to concentrate on those persons alleged to have been in positions of leadership and who bear the gravest responsibility for the crimes committed. The Investigations Division completed investigations on new targets within the deadline of 31 December 2004. Of the 16 suspects that were being investigated, the Prosecutor decided to indict eight. Since the submission of the annual report, Chambers have confirmed all eight indictments. This brings the total number of genocide indictees presently at large to 20.

On 23 February 2005, the Prosecutor handed over the dossiers of 15 suspects to the Rwandan authorities. On 26 July 2005, the case files of a further 10 individuals who have likewise not been indicted by the ICTR were delivered to Rwandan authorities. The Prosecutor also intends to transfer some ICTR indictees to national jurisdictions for trial. The decision to transfer cases to national jurisdictions will be taken by the Trial Chambers on a case-by-case basis, once requests for transfer are received from the prosecution. The Prosecution has entered negotiations with certain States to ensure national prosecution of some ICTR indictees. One country has already agreed to prosecute a suspect and efforts are continuing to get other countries to follow suit. Member States will contribute to the implementation of our Completion Strategy by accepting transfers of ICTR cases for trial.

The Prosecution has stepped up its tracking activities and has visited a number of African countries where some fugitives are suspected of residing. The Prosecutor has strongly encouraged national authorities to provide more significant cooperation in the tracking and arrest of those persons. Member States are requested to assist with the apprehension of fugitives.

Last year, I described the problems caused by the recruitment freeze, which came about because some Member States had not paid their contributions to the ICTR. It is essential to avoid a new freeze. In order to respect the time frames laid down by the Security Council, the Tribunals must continue to receive the necessary resources.

The Registry continues to support the judicial process by servicing the other branches of the Tribunal. Here I have to refer to the annual report for details, and let me simply stress the important work by all sections, including the Court Management Section, the Witness Section, the Language Services Section, and the Defence Counsel Section. In this connection, let me emphasize that the important work of the defence teams is highly appreciated.

The Outreach Programme continues to be a priority, with the Information Centre in Kigali being its focal point. The annual report describes this work. Let me reiterate that a prioritized activity is also to receive Rwandans at the Tribunal. Recently, prominent Rwandan judges visited Arusha, and groups of university students arrive frequently. The Tribunal continues to appreciate the cooperation of the Rwandan authorities. There is a steady flow of witnesses from Kigali and Arusha. It is essential that both the Prosecution and the Defence receive the necessary assistance in terms of witnesses and documents.

Let me add that any allegations concerning intimidation of prosecution or defence witnesses are taken very seriously by the Tribunal and are investigated in order to get to the truth of the matter.

On behalf of the Tribunal, let me conclude by expressing our deep appreciation to the General Assembly and the Secretary-General for their continued support of the ICTR.

**The President**: I now call on Mr. Theodor Meron, President of the International Tribunal for the Former Yugoslavia, to address the General Assembly.

**Mr. Meron**: I am sincerely honoured to address this Assembly again. Today, it is with great pleasure that I present the twelfth annual report of the International Criminal Tribunal for the Former Yugoslavia (ICTY). Before I do so, I wish to thank the Member States of the United Nations for the critical support they have long afforded the Tribunal. Such steadfast support has allowed the historic vision of our Tribunal to become a tangible and compelling force in the quest for peace, justice and reconciliation in the region of the former Yugoslavia.

Since I last reported to the Assembly one year ago, we have continued to work vigorously towards accomplishing our vital mission. I am pleased to report in this regard that we remain diligent in our vigorous pursuit of our mission and continue to make noteworthy strides despite significant difficulties. This year, the Trial Chambers and the Appeals Chamber have heard and disposed of a record number of cases.

During the reporting period, the Tribunal's Trial Chambers, which continue to work at full capacity, have been involved in 37 cases. The Appeals Chamber decided five appeals from judgement, as well as 23 interlocutory appeals. Notably, four cases have also been referred to national jurisdictions, and three of those decisions are now under appeal.

Nonetheless, we are not content to rest on our laurels. We continue to look to new and creative methods that might increase the efficiency of our proceedings and reduce the costs of our operations without sacrificing the quality of our work. Indeed, the year under review provided several important internal reforms to ensure compliance with Security Council resolutions 1503 (2003) and 1534 (2004), which together outline the Tribunal's Completion Strategy.

In my last assessment to the Security Council covering the period from May to June 2005, I estimated that by 2009 the Tribunal could complete the trials of all accused in our custody at that time. I also warned that further growth of the trial docket would make achieving that ambitious target entirely dependent on at least some cases being disposed of by guilty pleas.

We have implemented a number of changes to ensure that we continue to proceed at maximum capacity. Of particular salience, several procedural rules have been amended, markedly expediting our procedures without sacrificing the defendants' due process rights.

In the face of an increase in new indictments, the arrival of new indictees and fugitives and only one new guilty plea, we have re-doubled our efforts, not only to proceed with speed and deliberation, but also to see that justice is done for both victims and accused alike, that due process is honoured and that accused are afforded fair trials consonant with the highest standards of international justice.

Right now, three novel multiple defendant trials are at the pre-trial stage at the Tribunal. By prosecuting several cases determined by the Tribunal to be based on the same factual scenarios under the same umbrella of a larger, single prosecution, multiple defendant trials are designed to increase the efficiency of the Tribunal while maintaining judicial fairness to the accused. Joinder has already been granted by a Trial Chamber in the first of these landmark cases, allowing eight Srebrenica defendants from six different cases to be prosecuted under the purview of one bench; this would be nine if fugitive Tolimir is apprehended. The other two multiple defendant trials on the Tribunal's docket involve six and seven defendants, respectively; this would be eight if fugitive Djordjevic is apprehended.

We have also scrutinized our practices and procedures in search of ways to ensure that the Tribunal fulfils its mandate. In this regard, I am pleased to report to you today that all sections of the Tribunal are coordinating their efforts to increase efficiency and to ensure that the Tribunal's resources are focused on the prosecution of the most senior officials accused of the most serious crimes.

I have also established two judicial Working Groups, one to examine ways of speeding up trials and another to examine how to speed up appeals. The working group on trials, chaired by Judge Bonomy, has been considering proposals to streamline pre-trial and trial procedures and to procure additional courtroom space. The working group on appeals, currently chaired by Judge Mumba, has been examining rules governing the admissibility of additional evidence at the appellate stage and is exploring various time-saving procedures for translating decisions and judgements for appellants. The appeals working group presented a number of proposals to the plenary of judges, following which recommendations have been made to the Rules Committee. The Rule amendments propose reducing briefing times for sentencing appeals, separating additional evidence motions from the filing of the merit appeals to avoid successive additional evidence motions and increasing the power of the pre-appeal judge to dispose of routine motions without hearing the opposing party, unless prejudiced by the motion.

This year, we have also improved communication between the Association of Defence Counsel and the Tribunal in an effort to boost efficiency in proceedings. In addition, a pilot electronic Court (e-Court) system was introduced in February. This system, which integrates all case-related documents into a central electronic database, will increase the accessibility of information while expediting proceedings. In another positive development, this year witnessed the adoption of Security Council resolution 1597 (2005), which allows for the re-nomination and the re-election of former and present ad litem Judges, thus enhancing continuity and expertise. On 24 August 2005, elections were held, and we now have an elected pool of 27 experienced jurists who are willing to serve the

Tribunal as ad litem judges. We are beginning to draw the first ad litem judges to complete our benches, as necessary.

In addition to carrying out our own reforms, we have strongly supported rule of law reforms in the former Yugoslav republics that strengthen their ability to bring to justice perpetrators of crimes within the ICTY's jurisdiction.

On this front, I am pleased to report that the State Court of Bosnia and Herzegovina opened its War Crimes Chamber on 9 March 2005. That is truly a historic accomplishment for the people of Bosnia and Herzegovina and for the international community as a whole. It was achieved through the coordinated efforts of the Government and the people of Bosnia and Herzegovina, the High Representative for Bosnia and Herzegovina, the Tribunal, donor Governments and the international community. Despite serious difficulties, those extraordinary efforts saw the War Crimes Chamber up and running in a remarkably short period of time.

As part of its Completion Strategy, the Tribunal has begun referring cases involving intermediate- and lower-ranking accused to that Chamber. Thus far, the Prosecutor has filed 12 referral motions involving 20 accused. To date, six of those motions have been heard and one has been withdrawn. The Referral Bench has granted five motions: four for transfer to Bosnia and Herzegovina's War Crimes Chamber and one for transfer to the Republic of Croatia. One motion has been denied. Four of the decisions transferring cases have been appealed, and the Appeals Chamber has affirmed one of the transfers.

The Tribunal continues to lay further legal and logistical groundwork for the transfer of lower- and intermediate-level prosecutions to national jurisdictions. We have supported initiatives to build local capacity through the training of judges and prosecutors in Croatia, Serbia and Montenegro, and Bosnia and Herzegovina. Partly as a result, local professionalism and local capacity to handle such complex cases is steadily increasing. The Tribunal has also distributed key materials translated into the main languages of the region, and it continues to develop close relations with legal professionals, the non-governmental organization community, local media and Governments.

Crucially, in the past year the ICTY has augmented its efforts to persuade the States of the former Yugoslavia to actively search for and arrest indicted individuals who remain at large. During the reporting period, 24 accused were transferred or surrendered to The Hague. That leaves us with only seven fugitives who have yet to be apprehended, although we remain gravely concerned that included among those seven are three of the most important indictees: Radovan Karadžić, Ratko Mladić and Ante Gotovina.

We ask for the full cooperation of all Member States as we seek to bring to justice the perpetrators of the atrocities that scarred the Balkans in the 1990s, devastating hundreds of thousands of lives. The nations represented here today must recognize the risks posed to international justice if those fugitives escape the reach of the Tribunal. It is plain: a dark shadow will be cast over the Tribunal's historic accomplishments if senior-level accused are not brought to justice at The Hague. We must work together to guard against that threat to the legacy of the Tribunal and to international justice.

This past July marked the tenth anniversary of the horrific Srebrenica massacres, in which about 7,900 Muslim men and boys were summarily executed in what has been recognized by the Tribunal as a genocide. I was honoured to speak at the moving ceremony at the memorial for the victims on 11 July 2005. The suspected engineers of that genocide, Karadžić and Mladić, have been evading justice now for a decade. It is hard to dispute the European Parliament's July resolution stating that the capture, transfer and condemnation of those guilty of war crimes is a minimum act of recognition for the thousands of war crimes victims in Srebrenica and elsewhere. Against such a horrifying backdrop, apprehending and trying those three senior-level accused is the very least that we can do.

Full cooperation from the States in the region is paramount if we are to secure the arrest of the remaining fugitives. States' cooperation has improved in some cases in the past year. There has been a dramatic increase in the number of indictees transferred to the Tribunal — 24 since the end of last year — thanks to the efforts of the authorities of both Serbia and Montenegro and the Republika Srpska. However, the Serbian Government has not executed other arrest warrants transmitted to it by the Tribunal.

Five of the seven accused remaining at large, including Mladić, are believed to be in Serbia and Montenegro or the Republika Srpska.

Overall, the Republika Srpska's level of cooperation with the Tribunal remains insufficient, as it has provided no information on Karadžić and Mladić, and has failed to transfer wartime documentation to The Hague. Croatia's level of cooperation remains satisfactory in most areas, with the marked exception of that country's failure to apprehend and render Gotovina to The Hague.

Finally, it goes without saying that when and if the fugitives move across borders to avoid arrest, the authorities of the State to which they move will be similarly obliged to pursue, arrest and transfer those fugitives to The Hague without delay.

By now I hope it is clear that over the past year the Tribunal has been working at full throttle. One of the chief factors affecting the Tribunal's ability to operate at full capacity and with increased efficiency was the General Assembly's lifting of the hiring freeze in January 2005. As I reported last year, the 2004 freeze jeopardized the Tribunal's ability to complete its mission. With the lifting of the freeze and the passage of resolution 59/274, which provided much-needed appropriations, we were able to replace the requisite staff and to continue apace. In order to avoid a repetition of such difficulties, I call on all States to pay their assessed contributions in a timely manner.

In one sense, the citizens of the former Yugoslavia are fortunate compared with the citizens of other war-torn regions: they have the Tribunal. The Tribunal has not only made a fundamental and lasting contribution by bringing justice to thousands in the region, but it has also established an essential historical record of the atrocities resulting from the war. The Tribunal's assignment of personal criminal responsibility to those who abused their positions of leadership and power helps to dispel the view that certain rogue nations and ethnic groups must forever bear the stain of their leaders' misdeeds. The Tribunal's achievements have also generated increased respect for the rule of law, which has sparked judicial reforms throughout the region. Justice is an essential element of national reconciliation, and thus peace and justice go hand in hand. Due largely to the Tribunal, the States of the former Yugoslavia now have the opportunity to construct a lasting peace.

The benefits of the Tribunal are, moreover, felt far beyond the Balkan region. The ICTY's work has further challenged the notorious tradition of impunity for senior officials who commit the most serious international crimes. During its 11 years of existence, the Tribunal has also shown that transparent international justice is viable. We have built an impressive and unprecedented body of jurisprudence both on substantive international humanitarian and criminal law, and, especially, on criminal procedure — a subject on which there was little precedent from Nuremberg. Our judgments on procedural and substantive law now supply the foundation for all international criminal courts, and our success serves as a model for national prosecutions of those who commit wartime atrocities. Our leading decisions on international humanitarian law will provide essential guidance for the tribunals in the former Yugoslavia, and our staff members are sharing their valuable experience by training staff for those nascent courts. Our jurisprudence will likewise contribute to the success of other national and international courts designed to enforce international humanitarian law, including the Special Court for Sierra Leone and the International Criminal Court, both of which have used our Tribunal as a model. Lastly, understanding of international humanitarian and criminal law and human rights law has increased dramatically as the world has followed the proceedings at The Hague.

As with many things of great value, however, there is a cost. The cases on the Tribunal's docket are by definition large and complex, and hence our proceedings are necessarily lengthy and costly. Often, the crimes charged — connected to entire military campaigns — occurred over the course of months or years and across many locations, and involved several defendants. With many counts in some indictments, dozens or hundreds of witnesses, thousands of pages of documents — most of which have to be translated from regional languages into English and French, the Tribunal's working languages — the trials are extremely complex. Member States' continued financial support is the key to our success. And, I submit, the funds required to complete the Tribunal's mission are a small price to pay for the significant rewards to be gained from the Tribunal's work. As Zeid Al-Hashib, former representative of Jordan to the United Nations, has wisely pointed out, peace is far more cost-effective than war. Indeed, the yearly cost of operating the Tribunal is less than one twentieth the

yearly cost of the peacekeeping operations in the former Yugoslavia during the war. With the full support of all Member States, we look forward to completing our landmark mission and providing a model for criminal tribunals yet to come.

As the Tribunal moves 10 years beyond the atrocities at Srebrenica, the continued support of the international community is more important than ever in order to demonstrate to the world that such crimes will not be tolerated and will not go unpunished. The work of the Tribunal will ensure that those most responsible for such serious international crimes will, as we move briskly towards the Tribunal's completion, continue to receive the very highest standards of international justice. Our leading decisions will continue to provide essential guidance for the fair and effective prosecution of those who commit wartime atrocities.

Finally, I would like to report that my tenure as President of the ICTY will end in mid-November, though I will continue on as an Appeals Chamber judge. This thus marks my final appearance before the Assembly in the capacity of President of the Tribunal. It has truly been a great honour and privilege to lead that great institution. Please allow me the opportunity to express all my sincere gratitude for members' continued support of the Tribunal and, indeed, of international justice and the fight against impunity.

**The President**: I want to thank the President of the International Tribunal for the Former Yugoslavia for his long service to the Tribunal and to the international community and for preserving the values of justice in the world.

**Mr. Watson** (United Kingdom): I have the honour to speak on behalf of the European Union. The acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, the European Free Trade Association country Iceland, member of the European Economic Area, and Ukraine align themselves with this statement.

First of all we would like to thank Judge Mose, President of the International Criminal Tribunal for Rwanda (ICTR) and Judge Meron, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), for their briefings. We also thank Judge Meron for his distinguished service during his term as President.

The European Union believes strongly in the principle of no impunity for the most serious crimes of concern to the international community. Both the ICTR and the ICTY were established to hold individuals accountable for such crimes. Peace, justice and the rule of law are inextricably linked, and both Tribunals have made very important contributions towards reconciliation and peacebuilding in the countries that they have served. The European Union reaffirms its full support for the ICTR and the ICTY, and commends their entire staff in their efforts to bring justice to victims of the most shocking crimes.

We thank the ICTR for its concise tenth annual report (A/60/229) and the ICTY for its comprehensive twelfth annual report (A/60/267), although we regret that the latter's length impeded a more timely distribution. We welcome the developments and improvements achieved over the past 12 months.

The ICTR has delivered three trial judgements, bringing the total to 19 judgements involving 25 accused since 1997. A further 25 persons are currently on trial. The Appeals Chamber has delivered four judgements in respect of five persons. Appeals in a further 10 trial judgements and one application for review of the trial judgement are pending. Five new trials have been started during the reporting period. We are grateful for the further update on progress today. The ICTR submitted its revised Completion Strategy (S/2005/336, enclosure) to the Security Council in May, and we welcome the construction of the fourth courtroom as an important element in that strategy.

Unfortunately, we have had little time to study the ICTY report. But we know that a large number of indictees have arrived at the ICTY. We recognize that the increased numbers awaiting trial in The Hague will impact on the timely implementation of the Completion Strategy, but hope that that can be kept to a minimum. We welcome the completion of pre-indictment investigations and the submission of final indictments. The EU also warmly welcomes the establishment of working groups of judges on speeding up trials and appeals, and looks forward to hearing more about the implementation of the recommendations of those groups.

The European Union welcomes the commitment of the Presidents of both Tribunals to their completion strategies. The Tribunals should indeed make every effort to respect the deadlines set out in Security

Council resolutions 1503 (2003) and 1534 (2004). In return, the international community also has a commitment. Sufficient resources, cooperation, assistance and the support of Member States are essential to the work of the Tribunals.

The European Union welcomes the considerable improvement in the cooperation of States with the Tribunals over the past 12 months. It is crucial that States cooperate with requests for access to archives and documents, in securing the appearance in court of prosecution witnesses and in the arrest and transfer of indictees still at large. We reiterate the need to intensify efforts to arrest and transfer Radovan Karadzic, Ratko Mladic and Ante Gotovina to the ICTY and Felicien Kabuga to the ICTR for trial. The continuous, full cooperation of Rwanda and its neighbours and the countries of the western Balkans with the respective Tribunals remains essential.

*Ms. Bahemuka (Kenya), Vice-President, took the Chair.*

The EU welcomes the efforts made by both Tribunals to transfer cases to domestic jurisdictions and their activities in the area of national capacity-building. We welcome the opening of the Special Chamber for war crimes prosecutions in the State Court of Bosnia and Herzegovina on 9 March 2005 and the first transfer of a case from the ICTY on 29 September. The EU restates its appeal to the Tribunals to ensure that the necessary standards of fair trial, independence and full respect for human rights are complied with in national trials.

Finally, we would like to reassure the Tribunals of the full support of the EU and to thank all members of the Tribunals and their Chambers, Appeals Chambers and Registries, as well as the Offices of the Prosecutors, for their contribution to peace, justice and the rule of law and for the legacy they will leave for the future development of international criminal law.

**Mr. Rosli** (Malaysia): I should like to thank Judge Erik Møse, President of the International Criminal Tribunal for Rwanda (ICTR), and Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), for presenting the reports of the two Tribunals (A/60/229, A/60/267) and for their excellent leadership of the Tribunals during the respective reporting periods. The reports provide a comprehensive review of the progress of the work of the Tribunals as well as the difficulties encountered by them. We commend both Presidents and all members of the Chambers, the Offices of the Prosecutors and the Registries of both Tribunals for the progress achieved so far.

Malaysia continues to strongly believe in the importance of upholding the principles of justice and equality, which international humanitarian law stands for. We regard adherence to the rule of law to be a necessary basis for upholding those principles. The Tribunals were established, among other things, to bring to justice persons allegedly responsible for violations of international humanitarian law and to contribute to the restoration of peace by promoting reconciliation in the former Yugoslavia and Rwanda. Since their creation, the Tribunals have played a significant role in clearly demonstrating that genocide and other serious violations of international humanitarian law will not be tolerated. The Tribunals were created to ensure that the perpetrators of genocide and other serious violations of international humanitarian law will not get away with impunity.

The work of the Tribunals is of immense importance in bringing to justice the perpetrators of atrocities and in the development of international justice and international law. There is no doubt that the decisions of the Tribunals have contributed to the progressive and constructive development of case law in the spheres of general international law and international humanitarian law, with respect to various questions of procedure and competence, as well as with respect to substantive issues of considerable importance. The Tribunals have promoted advocacy for victim-oriented restitutive justice in international criminal law.

Malaysia is pleased to note that both the ICTY and the ICTR have put considerable effort into implementation of their Completion Strategies, as set out in Security Council resolutions 1503 (2003) and 1534 (2004), which require both Tribunals to take all possible measures to complete investigations by the end of 2004, complete all trial activities at first instance by the end of 2008 and complete all work in 2010. We are also pleased to note that both Tribunals have continued to make substantial reforms to improve their administrative capacity while working towards the timely implementation of the Completion Strategy.

The appointment of ad litem judges has allowed the Tribunals to increase their judicial productivity and

meet the demands of the rise in cases. The Tribunals must be in a position to undertake their tasks efficiently so that detainees are spared undue delay in the completion of their trials. With the appointment of the ad litem judges, the Tribunals should be able to meet their target of completing all trials by 2008. My delegation is pleased to note that a Malaysian national is contributing to the process through his service as an ad litem judge.

I would now like to comment first on the activities of the ICTR. Malaysia is pleased to note from the report that the ICTR is on course to complete its trials by 2008. The President's efforts in the scheduling and planning of trials to best utilize time and resources should be commended. We are pleased to see that since his appointment in 2003, the Prosecutor has stepped up efforts to streamline cases, as required by the Completion Strategy, and transfer cases to national authorities. Malaysia also notes that the construction of the fourth courtroom has helped speed up the trials and remains a crucial element of the Tribunal's Completion Strategy.

In addition, it is critical to the success of the Tribunal that the people of the region be informed of its work and comprehend its significance. We appreciate the perseverance of the Registrar in promoting greater awareness of the Tribunal and in engaging the interest and the support of the local population, States of the region and the international community through capacity-building programmes. We encourage him to continue his efforts.

Turning to the ICTY, my delegation notes with appreciation that the Tribunal has undergone structural and operational reform during the reporting period. The most significant internal reform was the amendment of rules 98 bis and 73 (D) to enable the Tribunal to shorten the time frame by allowing oral arguments instead of written briefs and to conserve the resources of the Tribunal. Malaysia is pleased to note that the Tribunal is using technology for its modernization. The implementation of the "e-Court" system has contributed to speeding up trials and appeals.

Malaysia notes that part of the lasting legacy of the ICTY will be the strengthened criminal justice system in Bosnia and Herzegovina. To that end, the establishment of the Special Chamber for war crimes prosecutions is crucial for enabling the ICTY to complete its trial work by 2008. The establishment of the Chamber is testament to the growing and improved cooperation with the national authorities. Although the Chamber will allow for the transfer of cases of lower-level prosecutions to national jurisdiction, more work will be required to ensure that they are completed in a timely manner.

It has been more than a decade since the Tribunal was established. Malaysia is pleased to note that it has been making tremendous progress in completing the cases before it. However, we are concerned that 10 publicly indicted persons remain at large, including major indicted war criminals, in particular Radovan Karadzic and Ratko Mladic. We strongly hope that the matter will be addressed as expeditiously as possible. Malaysia shares the concern expressed in the report at the fact that such major figures remaining at large, with impunity, would not only prevent the Tribunal from completing its work within the time frame but would also undermine the successful cooperation with the national authorities.

The work of the ICTY and the ICTR has greatly contributed to the field of post-conflict justice — not only in furthering international criminal jurisprudence on matters such as individual responsibility and in connection with the ability to exercise jurisdiction over crimes committed during internal conflicts, but also in terms of procedural refinements. In reiterating its fullest support for both Tribunals, Malaysia calls once again on the international community to give full and sustained support to the Tribunals in the implementation of their mandate and objectives. A sustained commitment by the major Powers is also crucial. The delivery of justice is important for a sustainable peace-building process. Without justice, there will be no peace.

**Mr. Haneda** (Japan): At the outset, I would like to thank the Presidents of the Tribunals, Judge Theodor Meron and Judge Erik Møse, for presenting their annual reports to the General Assembly. I also thank Judge Meron for his dedicated service as the President of the Tribunal.

Japan appreciates the fact that the Prosecutors of the two Tribunals completed their investigative work by the end of 2004 and submitted the indictments of senior indictees in accordance with the completion strategies. We strongly hope that both the ICTY and the ICTR will continue to make the utmost effort to

promote the efficient and effective conduct of their trial activities and to improve their management capacity in order to ensure the completion of all trials by the end of 2010.

Allow me to make a few comments on the work of the International Tribunal for the Former Yugoslavia (ICTY).

First of all, we welcome the election of the 27 ad litem judges by the General Assembly on 24 August this year, and we look forward to their contribution, in cooperation with the 16 permanent judges elected last autumn and to be appointed on 17 November, to bringing about justice in the region of the former Yugoslavia and to achieving the Completion Strategy of the ICTY.

Japan notes that Stankovic has been transferred from the ICTY to the war crimes chamber of the Court of Bosnia and Herzegovina, which represents the first transfer of an ICTY accused to the domestic courts. It is a remarkable step forward towards the establishment of the rule of law in the region that mid- to low-level accused are going to be tried in a national jurisdiction. We hope that the judicial capacity of States in the region will be strengthened and that the transfer of mid- to low-level defendants to domestic courts will be further enhanced, ensuring that international standards of due process and the rights of defendants are observed.

Those achievements notwithstanding, Japan remains concerned that those responsible for the most serious violations of international humanitarian law — Karadzic, Mladic and Gotovina — have yet to be arrested. Japan reiterates that the full commitment of neighbouring States is essential for the arrest and extradition of those fugitives.

Next, let me turn to the work of the International Criminal Tribunal for Rwanda (ICTR).

Japan requests that the ICTR continue its efforts to conduct trials in as effective a manner as possible, in order to realize the prospect set out in its annual report that the first phase of the trials will be completed by 2008, and then finish implementing the entire Completion Strategy.

As stated in the ICTR's annual report, it is evidence of the progress made towards bringing about justice and the end of impunity that guilt and innocence have been determined with respect to the alleged former leaders, who probably would not have been brought before a court but for the establishment of the ICTR. We note with appreciation that the transfer of cases to domestic courts is proceeding satisfactorily, as demonstrated by the fact that the Prosecutor had transferred the files of 15 suspects to Rwanda by 30 June 2005. In that regard, we reiterate our call for further cooperation by neighbouring States.

Taking into account the intentions of both Tribunals to complete the first phase of trials by the end of 2008, in accordance with their completion strategies, it is high time for further consideration to be given to future schedules, that is, the precise scheduling of appeals cases. Scheduling well in advance and better coordination between the two Tribunals will be required to avoid placing too heavy a burden on the Appeal Chambers of the Tribunal.

We call for the utmost cooperation and effort on the part of all staff of the Tribunals, neighbouring States and the international community so that a great purpose can be fulfilled, namely bringing to justice all those responsible for the serious violations of international humanitarian law that were committed in the two regions.

Finally, let me say once again that Japan carefully examines the regular reports of the ICTY and the ICTR to the Security Council and to the General Assembly on their efforts and on the progress being made towards the fulfilment of their completion strategies.

**Mr. Andrianarivelo-Razafy** (Madagascar) (*spoke in French*): The delegation of Madagascar would like to thank the President of the International Tribunal for the Former Yugoslavia and the President of the International Criminal Tribunal for Rwanda, respectively, for their informative and relevant statements.

The establishment of the two Tribunals was of historical importance, as they were the first courts to condemn crimes of genocide, crimes against humanity and indescribable atrocities. They were pioneers because their work contributed to the adoption of the Rome Statute creating the International Criminal Court, a standing court whose ultimate aim is to put an end to impunity.

My delegation has reviewed with interest documents A/60/267 and A/60/229 and would like to pay tribute to the staff of the two Tribunals for the

untiring efforts they made to speedily alleviate the burden of work of the courts and to fulfil the heavy and demanding responsibilities that they must shoulder as part of the Completion Strategy.

With regard to the International Criminal Tribunal for Rwanda, my country notes with satisfaction the measures undertaken to speed up the trials currently under way before the Trial Chambers.

The Tribunal is now working at full throttle thanks to the implementation of the Completion Strategy, which involves the scheduling and planning of present and future trials, an increase in the number of judges through the creation of a pool of ad litem judges, pursuant to Security Council resolutions 1431 (2002) and 1512 (2003); the establishment of a trial committee whose aim is to facilitate the preparation of new cases; and the creation of a Translation Working Group charged with considering ways and means to facilitate the translation of documents, so as to avoid delays in the conduct of cases.

We are confident that the inauguration of a fourth courtroom, which has been operational since 1 March 2005, will contribute to alleviating the Court's heavy burden of work. We would like to take this opportunity to thank the Governments of Great Britain and of Norway for their generous contribution, which made it possible to build the hearing room in record time.

In the 10 years of its existence, the ICTR has carried out the trials of 50 persons, including highly placed individuals. In accordance with Security Council resolution 1503 (2003), the Prosecutor's Office has completed its inquiries into the alleged perpetrators of the crime of genocide. In our view, that is an encouraging sign of improvement in the work of the ICTR.

I would like to underscore that the true role of international tribunals is to seek out and pass judgement on the masterminds of the most serious crimes, such as genocide, as well as on the principal actors and senior-level perpetrators — the leaders — leaving judgement in the case of their subordinates to various national courts. Transferring intermediate- or lower-level accused to competent domestic courts and providing active support for the strengthening of judicial capacities and the training of the personnel of domestic courts are also key elements in the strategy.

The two Tribunals have a historic responsibility, particularly with regard to conflict prevention. They are responsible for defending humanitarian values and contributing to the restoration and maintenance of peace in regions of the world where atrocious crimes have taken place.

In accordance with the time frame set out in resolutions 1503 (2003) and 1534 (2004), both Tribunals are currently in the Completion Strategy phase. In that context, we support the recommendations contained in document A/60/229 that the international community provide the Tribunals with sufficient human, financial and material resources to enable them to carry out their respective mandates in an effective manner. Furthermore, the full cooperation of national authorities is of great importance, because international criminal justice and national criminal justice are complementary.

Finally, we urge all Member States to cooperate closely with the two Tribunals with a view to overcoming problems relating to the arrest and transfer to them of accused and criminals still at large.

My delegation would like to take this opportunity to express its heartfelt gratitude to Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia, for his worthy contribution to the work of that institution.

**Mr. Løvald** (Norway): I would like to begin by expressing Norway's full recognition of the achievements and high standards of the International Criminal Tribunals for Rwanda and for the Former Yugoslavia, as reflected in the various well-reasoned judgements and in the reports before us. We would like to thank the Presidents of both Tribunals for the detailed annual reports, which in our view accurately reflect the sustained progress made during the period under review.

The work of the Tribunals has played a crucial role in advancing the cause of justice in Rwanda and the former Yugoslavia. As we have consistently maintained, the Tribunals also have a broader significance. They represent effective mechanisms for the enforcement of international criminal law and will leave a legacy of international jurisprudence that can guide other courts, including those at the national level, as well as the International Criminal Court, and prevent the commission of the worst crimes of international concern. As such, they are contributing to

the development of international criminal justice and to the fight against impunity for mass atrocities in general.

We commend both Tribunals for their efforts to put the completion strategies, approved by the Security Council, into effect. The Tribunals have increased their administrative efficiency significantly, and both appear to be on schedule. According to the report of the International Criminal Tribunal for Rwanda (ICTR), the Tribunal is on course to complete all trials in the first instance, involving 65 to 70 persons, by 2008.

The financial situation of the Tribunals, however, remains worrying. It could threaten the implementation of the Completion Strategies. It is therefore of the utmost importance that all States honour their financial commitments and pay their assessed contributions on time.

We are pleased to note that both the Rwanda Tribunal and the Tribunal for the Former Yugoslavia have continued to operate at full capacity during the period under review.

Norway welcomes the establishment of the fourth courtroom at the ICTR, which will help to further increase the Tribunal's capacity. The Tribunal is now running trials in the four courtrooms simultaneously. Norway's financial contribution, together with that of the United Kingdom, to the construction of that courtroom is a testimony to our continuing strong support for the Tribunal.

In implementing the Completion Strategies, both Tribunals have rightly resolved to concentrate on the most senior leaders suspected of bearing the greatest responsibility for the crimes within the jurisdiction of the Tribunals. At the same time, the Tribunals have focused on transferring cases involving intermediate- and low-level offenders to national jurisdictions, where possible. It is important that they receive the full support and cooperation of the international community. Norway has implemented legal procedures that will enable us to fully cooperate with and assist the Tribunal. We urge other States to do the same.

We are encouraged by the establishment of the War Crimes Chamber of the State of Bosnia and Herzegovina. During the period under review, there has been an increasing number of persons awaiting trial at the International Tribunal for the Former Yugoslavia (ICTY), which could severely impact on the timely implementation of the Completion Strategy. Since November 2004, 22 new indictees have arrived at the ICTY. The new War Crimes Chamber will contribute to the success of the Completion Strategy. Norway has therefore contributed financially to the establishment of the Chamber.

The Tribunals' increased cooperation with States, relevant institutions and non-governmental organizations is partly a result of the expanded activities and continuous development of the Tribunals' outreach programmes. Norway commends the Tribunals for their efforts to assist in strengthening national jurisdictions in their handling of cases and to provide accurate information about their activities in order to raise awareness of and increase support for their work.

Norway reiterates the need to intensify efforts to arrest and transfer to the Tribunals for trial the main fugitive indictees, as identified by the Security Council. The main mission of the Tribunals will not be fulfilled unless the highest-ranking indictees are brought to justice.

All States must honour their international obligation to cooperate with regard to requests for full and effective assistance to the Tribunals. That also applies with regard to witnesses, giving financial and material support and, not least, providing practical assistance in the enforcement of sentences. We encourage States to prove their continued commitment to the work of the Tribunals through concrete action in those crucial fields. We will stand by our long-term commitment to the successful completion of the missions assigned to the two Tribunals by the Security Council.

**Mr. Manongi** (United Republic of Tanzania): We would like to thank the President of the International Criminal Tribunal for Rwanda (ICTR), Judge Eric Møse, and the President of the International Criminal Tribunal for the Former Yugoslavia, Judge Theodor Meron, for their respective briefings.

The pursuit of justice in the wake of genocide and serious violations of human rights in Rwanda and in the former Yugoslavia is an undertaking by the two Tribunals on our behalf and in our interests. For us, their work deserves our utmost collective support.

We commend the ICTR for the pace of its prosecutions and dedication to its Completion Strategy.

We recognize that this planning is dependent on the assistance and cooperation of States being requested to assist with apprehending the indictees who remain at large.

In the interest of justice and stability, not only in Rwanda but also in the Great Lakes region, apprehending and extraditing those under indictment need to be given greater attention. This is in keeping with the obligation by all Member States to support the Tribunal in discharging its mandate. We should do nothing that might subvert the 2008 completion target that the Tribunal has set for itself.

We welcome the completion of the fourth courtroom and are grateful that it has contributed to the Tribunal's efficiency as well as to its Completion Strategy. We thank the Governments of Norway and the United Kingdom whose voluntary contributions made the courtroom construction possible.

We are particularly encouraged by the effort being undertaken by the Prosecutor under rule 11 bis to explore how and under what conditions some indictees might be transferred to Rwanda for prosecution. This is a reaffirmation of the strengthening of and confidence in the judicial system in Rwanda. It is also an important contribution to the mutual trust between the Government of Rwanda and the Tribunal. It is in this spirit that we welcome the transfer of 15 dossiers of unindicted suspects to the Government of Rwanda. The suspects of course, remain innocent until proven guilty.

Tanzania continues to support measures by the Tribunal to disseminate information concerning its work internationally and, more importantly, in Rwanda. If Rwanda is to achieve healing and reconciliation, forgiveness and reconciliation must come from within. We see the Tribunal's Outreach Programme as being effective in that regard and, therefore, it needs greater support as part of the Completion Strategy.

We want to underscore that the Tribunal's Completion Strategy is premised on the prosecution of high-ranking officials and those bearing greatest responsibility for the crimes committed during the genocide. We therefore join in calling on other Member States to accept the transfer of the remaining lower-rated cases to their respective national jurisdictions for prosecution.

It is our firm belief, in support of the Tribunals for Rwanda and for the former Yugoslavia, that those indicted by the courts must be brought to justice if the affected countries and regions are to see stability. It is also our conviction that the success of the two Tribunals is attributable to the continued financial support from the international community. We appeal again to Member States to pay their assessed contributions to the Tribunals. They have proven that they are now more efficient and need our strong support to fulfil their Completion Strategies. The provision of adequate financial resources is critical. We should not fail them.

**Mr. Kaludjerovic** (Serbia and Montenegro): In the wake of the catastrophic earthquake that caused extensive loss of life and material damage in Pakistan, India and Afghanistan, I would like to convey the deepest condolences of my Government to the people and Governments of those countries.

At the outset I would like to thank the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judge Theodor Meron, for his comprehensive annual report.

I am pleased to be able to inform the Assembly that Serbia and Montenegro has recently opened negotiations on the Stabilization and Association Agreement with the European Union, which demonstrates our firm commitment to build upon the best traditions and achievements in strengthening our society and relations with our neighbours. This step will undoubtedly bring us closer to the ultimate goal: Euro-Atlantic integration.

In that respect, the authorities of Serbia and Montenegro and the Government of Serbia continue in their efforts to honour their international obligations towards the ICTY. The Completion Strategy of our cooperation with the Hague Tribunal is [illegible] and we are completely aware of that. [illegible] of a vital interest to Serbia and Montenegro. There is no other solution and there is no alternative to full and unconditional cooperation.

Cooperation with the ICTY can be considered in several aspects: apprehension and transfer of fugitives, granting of waivers to Government officials, turning over documents, dialogue and exchange of visits, regional cooperation and the ICTY Completion Strategy.

Serbia and Montenegro is continuously taken, all necessary measures to facilitate the voluntary surrender and arrest of the remaining fugitives believed to be within its territory. The number of indictees transferred from Serbia and Montenegro to the Tribunal now is 37. These transfers serve, inter alia, as an example of efficient cooperation based on reliable information provided in a timely manner.

At the same time, the authorities of Serbia and Montenegro are demonstrating their firm commitment to fulfil their international obligations by exerting continuous efforts to find and, if possible, apprehend six remaining fugitives that, according to the Office of the Prosecutor, are travelling through or residing in the territory of Serbia and Montenegro. The number of requests for the assistance of the Office of the Prosecutor has exceeded 140. These requests are being processed in a prompt and timely manner, with fewer than 2 to 3 per cent still pending or unanswered longer than two months.

The Council of Ministers of Serbia and Montenegro and the Government of the Republic of Serbia have so far granted waivers regarding official and military secrets to 170 members of the army and police, as well as Government officials. In this area of cooperation, Serbia and Montenegro is provided effective assistance to the Office of the Prosecutor and the ICTY in tracking down, interviewing and taking testimony from witnesses and suspects.

So far, the Office of the Prosecutor has been provided with several thousand documents, including classified papers. These documents have been made available to the Office of the Prosecutor much more quickly during the period covered by the report than previously. Serbia and Montenegro now provides the Office with all documents at its disposal.

As a sign of intensified cooperation with the ICTY, the regular exchange of visits between Belgrade and The Hague has become a regular practice. These visits have significantly contributed to the exchange of relevant information and the re-establishment of an atmosphere of mutual trust and openness. Furthermore, the parliament of the Republic of Serbia adopted a law (Official Gazette No. 24/September 2001) which, inter alia, contains many provisions that facilitate cooperation with the ICTY.

During a recent visit to Belgrade, the Chief Prosecutor emphasized that she was satisfied with the cooperation of the competent authorities of Serbia and Montenegro and the Republic of Serbia. I am also pleased to say that during her visit to Podgorica, the Chief Prosecutor expressed her satisfaction at the full cooperation of the authorities of the Republic of Montenegro with the Tribunal.

An important item of two-way cooperation, perhaps the most important one, is the referral of cases in accordance with rule 11 bis of the Rules of Procedure and Evidence of the Tribunal. A few months mention was made of the importance of the Tribunal's Completion Strategy, and the referral of cases is one of the most important elements of the Completion Strategy. I would like to reiterate that we are ready for the referral of cases and willing and capable of conducting fair and impartial trials against perpetrators of war crimes.

The proceedings before the Council for War Crimes in Belgrade regarding the Ovcara case have been assessed by all relevant international observers as very successful and in line with international standards. I am confident that efficient cooperation will be continued and even promoted in the future. I would like to emphasize in particular that I would have recent a great deal to say that the Tribunal referred to Belgrade the Vukovi, Srijemci and Radic case for the crimes committed in Ovcara. We believe that the referral of this case to our judiciary would have been yet another powerful confirmation of the great progress achieved in cooperation over the past year.

Serbia and Montenegro's authorities have done everything to strengthen regional cooperation, first of all by strengthening police cooperation and cooperation among prosecutors' offices in the region. Prosecutors from Serbia and Montenegro, Croatia and Bosnia and Herzegovina have met several times to explore and discuss further cooperation regarding the prosecution of war crimes. The Prosecutor of the Republic of Serbia has signed a memorandum of understanding with his counterparts from Croatia and Bosnia and Herzegovina. A similar memorandum is to be signed later this year with Macedonia. The Supreme Public Prosecutor of the Republic of Montenegro also signed a memorandum of understanding with Croatia and Bosnia and Herzegovina.

We welcome the agreement between the Organization for Security and Cooperation in Europe (OSCE) and the ICTY allowing the closing 48x3

missions in Bosnia and Herzegovina, Croatia and further and Montenegro to monitor the war crimes trials transferred to the Entities and to the national courts. We are grateful to the OSCE, the United Nations Development Programme, the Council of Europe and those countries assisting the Republic of Serbia and the Republic of Montenegro in amending their criminal legislation to accord with ICTY standards and providing training to prosecutors and judges dealing with the war crimes trials. In order to improve our capacity to prosecute war crimes, we are looking forward to further training opportunities.

The authorities of Serbia and Montenegro support the European Union Council of Ministers common position on measures for the effective implementation of the ICTY mandate relating to the freezing of the funds of fugitives. The National Council for Cooperation with the ICTY has directed the competent authorities to explore the possibilities of implementing restrictive measures in Serbia and Montenegro's legal system. The law on freezing the assets of fugitives is currently before the Union Parliament. In the meantime, the Belgrade District Court has imposed an interim measure freezing fugitives' funds and assets.

We are fully aware that complete reconciliation in the territory of former Yugoslavia is not possible unless the ICTY fulfils its mandate. Therefore, Serbia and Montenegro is ready to make its full contribution to the work of the ICTY and bring to justice all those responsible for war crimes committed in the territory of the former Yugoslavia, including Ratko Mladić.

Strong action aimed at meeting our international obligations vis-à-vis the ICTY, which we consider in our national interest and vitally important to our growing Euro-Atlantic integration, will be continued. The results achieved so far are the best proof of that.

**Mr. Miadinov** (Croatia): Croatia welcomes the Report of the International Criminal Tribunal for the Former Yugoslavia (ICTY) to the sixtieth session of the General Assembly. We have aligned ourselves with the statement made on behalf of the European Union by the United Kingdom.

I would like to extend my thanks to Judge Meron for his detailed report and for all his efforts to have the Tribunal fulfil its mandate in an efficient and effective manner. May I also take this opportunity to pay tribute to him for his enormous contribution to the work and administration of the Tribunal.

As representatives of my country have frequently noted, Croatia was one of the leading advocates for the establishment of the Tribunal, which has played a special part in achieving justice for the victims of the conflicts upon the territories which fall within its jurisdiction. Croatia has always maintained a strong interest in its success.

There are two issues which I shall address in this statement: Croatia's cooperation with the Tribunal and progress towards implementation of its Completion Strategy.

The Tribunal's Completion Strategy, which was introduced by the then President of the Tribunal, was endorsed by the Security Council in August 2003. The Strategy involves a three-step process encompassing the completion of investigations, trials and appeals within agreed timelines. The first of the benchmarks, namely, the completion of investigations, concluded at the end of 2004. We note that the report shows that the achievement of this benchmark has begun to be reflected in the staffing and budget of the Tribunal.

Apart from the conduct of trials, a vital part of the Completion Strategy is the work the Tribunal is undertaking with the national courts of the countries concerned. We commend these efforts, which will, among other things, strengthen the capacity of their courts and legal systems.

Work has been done to build the capacity of judges and lawyers in Croatia in readiness for the transfer to national jurisdiction of certain cases for prosecution. Four courts have been designated by the Croatian authorities to hear war crimes cases, and one such case, involving two accused, has recently been transferred.

We are pleased that the report generally comments objectively on the Tribunal's cooperation with the Croatian Government in regard to requests for assistance, particularly on cooperation with the Office of the State Prosecutor. However, the report omitted recent important events relating to Croatia's cooperation with the Tribunal, including the latest vital assessment of the Chief Prosecutor.

Since April 2003, Croatian authorities have been implementing an action plan for cooperation with the Tribunal, in particular with regard to the last outstanding issue, that of fugitive Ante Gotovina. Vigorous, comprehensive and persistent measures and

actions were taken to fully implement the commitments of the action plan, the key aim of which was for Croatia's authorities to do their utmost to locate, apprehend and transfer the fugitive Gotovina to the Tribunal. An important prerequisite was to ensure the unconditional efficiency of the security apparatus. The Tribunal has been kept continuously updated on all activities related to the implementation of the action plan.

The Croatian Government is convinced that all relevant authorities mandated for cooperation with the Tribunal have been doing everything possible to locate, arrest and transfer the fugitive. In their statements following the meeting with the Chief Prosecutor Carla Del Ponte in Zagreb on 30 September 2004, both the President and the Prime Minister of Croatia expressed Croatia's continuing full cooperation and commitment to resolve this issue. In his address to the European Union Ministerial Council meeting on 3 October 2005, after the decision of the European Union to open accession negotiations with Croatia, the Prime Minister reiterated that position.

Full compliance with the Tribunal is also demonstrated by the timely and comprehensive response to its requests regarding documents and witnesses. Judicial cooperation also continues smoothly. Efforts aimed at ensuring the political and operational support and assistance in the fugitive hunt always progress. The process of monitoring and investigation is thorough and result-oriented. The State Attorney's Office is leading Croatia's overall cooperation with the Tribunal. It also has particular responsibility for the implementation of the action plan.

The Chief Prosecutor, in her latest assessment to the European Union Task Force, on 3 October 2005, said that "Croatia is a State fully co-operating."

As has been said on many occasions by the Prime Minister, Croatia remains committed to continue implementing its action plan until the Gotovina matter is resolved. The Government views this as an indivisible part of its broader commitment to the rule of law. The commencement of negotiations with the European Union can only strengthen this resolve and assist the Government in the reforms that lie ahead. In this context, we firmly support the work of the Tribunal and its efforts to fulfil its mandate.

**Mr. [redacted]** (Rwanda): We would like to thank the President of the International Criminal Tribunal for Rwanda (ICTR), Judge Erik Møse, for presenting the report of the Secretary-General to document S/2005/774. We commend the President, the Prosecutor and the Registrar of the Tribunal for their work over the past year to ensure the successful completion of its work by 2008.

Rwanda remains hopeful that the Tribunal will deliver justice against those who bear the greatest responsibility for the 1994 genocide. We pledge our continued support to ensure that the Tribunal's work runs as smoothly as possible.

According to the report before us, the trials of 21 persons have been completed, while the cases for a further 27 are in progress and 14 are awaiting trial, of which four have been identified for transfer to national courts. Further 14 indicted persons are still at large, four of whom the Prosecutor intends to transfer to national courts. Eight other cases have been investigated and submitted for confirmation, of which four will be transferred to national jurisdictions. On that, on the basis of the information, the Tribunal expects to have completed trial proceedings of up to 70 persons by 2008.

While we welcome the assessment of the completion period of the Tribunal by 2008, we regrettably recall that a few years ago the Tribunal had targeted for trial as many as 200 suspects who bear the greatest responsibility for the genocide. This figure was revised downward over the years, and today, we are talking of only 70 to 75, less than one quarter of the original figure. It is our assessment that, while the number of persons targeted for prosecution has gone down, serious accusations remain against some of the suspects who are no longer being considered targets for prosecution. Even as 11 those still targeted for prosecution, many remain at large and are being provided with a safe haven from international justice by Member States of the Organization. We appeal to the Prosecutor and the Security Council to enforce the relevant provisions of the Tribunal's Statute to ensure that all States cooperate and hand over their fugitives. We appeal to the Council to seriously consider this matter, with a view to ensuring that no suspect evades justice.

As we have said many times before, the Tribunal's Completion Strategy should not be seen as

an end strategy for the international community's obligations in bring all aspects of the crime of genocide to light at the ICTR in Rwanda or elsewhere. The witness issues of the cases of genocide suspects that we discuss this here is no exception.

As the Tribunal progresses towards the completion of its work, we should reflect on the impact it has had on justice and reconciliation in Rwanda, the principle reasons for which it was established in the first place. We believe that the impact of the Tribunal on these processes in Rwanda has been constrained because of the geographical distance between Arusha and Rwanda and the management and ethical problems that plagued the Tribunal in its earlier life. It would be most unfortunate for the Tribunal to complete its work without impacting Rwandans, or had been envisaged when it was established.

In this regard, we therefore welcome the decision to transfer at least 10 cases for trial in Rwanda. It is a widely accepted principle that trials should always take place as close as possible to where the crimes were committed. The crimes before the ICTR were committed in Rwanda. It is the Government's belief that all trials related to genocide should take place in Rwanda. This would address the problem of the impact of the ICTR on Rwanda and advance the cause of justice, while also combating impunity, as justice will not only be done, but will also be seen to be done by Rwandans in Rwanda. We also believe that a transfer of trials would promote national reconciliation and healing.

My Government has taken the necessary measures to provide the international community an assurance that the death penalty will not be exercised in any of the transferred cases. I wish to reiterate this commitment to the General Assembly and to state that the issue should no longer impede progress in the transfer process.

In view of the plans to transfer cases for prosecution to national jurisdictions, it is imperative that the Tribunal take appropriate action to support and strengthen Rwanda's capacity-building efforts so that the process can run smoothly. Capacity-building will also ensure a sustainable legacy for the Tribunal's work. We therefore welcome the work of the Registry, as outlined in paragraphs 43 and 44 of the report, but we encourage the Tribunal to intensify these efforts, particularly through recruitment of Rwandan lawyers and through mentoring and attachment programmes.

We also believe that it is critical that sentences be served inside Rwanda. This is another point that the Rwanda Government has advocated since 1994. Both common sense and natural justice require that sentences be served where the crimes were committed. This would also advance the cause of justice, combat impunity and promote national reconciliation. We appeal to the Tribunal to speed up the process of administering sentences in Rwanda, once the detention facility that meets United Nations standards was completed more than a year ago.

We appeal to the Registry to be more imaginative in implementing its outreach programme. A greater effort should be made to reach rural communities, where the impact of the genocide was the most devastating. In this regard, a greater effort should also be placed on working with local district authorities in developing programmes that are suited to communities.

Further, we would like to put on record my Government's appreciation to the leadership of the Tribunal for the continued improvement in its performance. We also commend the enlightenment of the witness management coordinator from Arusha to Kigali to assist witnesses. We commend the international community for its support to the Tribunal, particularly the Governments of Norway and the United Kingdom, which financed, through voluntary contributions, the construction of a locally confirmed that was inaugurated in March of this year.

**The Acting President**: We have heard the last speaker in this debate on this agenda item.

May I take it that it is the will of the General Assembly to conclude its consideration of agenda items 76 and 77?

*It was so decided.*

The meeting rose at 5.5...